automatically following a start of play request during play of said master
segment mixer.

38. The system of claim 35, wherein said master segment mixer beat
information is exported to at least one external device.

39. (amended) The external device of Claim 38, wherein said external device
is Video equipment (VJ) whereby the video projected synchronizes with
the music beat.

40. (amended) The external device of Claim 38, wherein said external device
is Lighting equipment whereby the lighting effects synchronizes with the
music beat.

REMARKS - General

Applicant has amended several of the claims to define the invention more particularly
and distinctively so as to overcome the technical rejections and define the invention
patentability over the prior art.

The Objection To Claims Rejection Under § 112
The last O.A. rejected independent claims 39 and 40 as being indefinite. Claims 39 and
40 have been amended as directed.

The Objection To Claims Rejection Under § 102
The last O.A. rejected claims 18-21, 29, 32-37 as being anticipated by US patent
application publication to Williams (US 2002/0091455).

The Rejection Of Claim 18, On Williams Is Overcome
The last O.A. rejected independent claim 18 on Williams. Claim 18, has been amended
to define patentably over this reference. Applicant requests reconsideration of this
rejection, as now applicable amended claims 18 for the following reasons:

(1) Williams invention deals with a mixer mixing or simultaneously playing a plurality of tracks into a single track data (see page 1, paragraph [0011 and [0012], and page 2, paragraph [0035]) while the present amended claim deals with playing a single track element at a time. No mixing / simultaneous playing of a plurality of tracks is carried out in claim 18.

(2) Williams does not teach nor mention or requires a unit to split a single track file fed into his system into track elements cut from track data, where each track element contains a time portion of the track fed into the system. Instead, Williams deals with mixing or simultaneously playing a plurality of tracks (see page 1, paragraph [0011 and [0012], and page 2, paragraph [0035]). Williams does state the possibility of mixing or simultaneously playing only a part of a song from several existing tracks rather than mixing the entire song (see page 5, paragraph [0066]) but also in this case, a track fed into the track database can not be split in any manner into track elements according to Williams invention.

(3) The database of Williams houses a collection of separately recorded musical tracks containing at least one musical instrument or vocal. (see page 2 ,paragraph [0037]) The database of this invention houses track elements cut from a track. These databases therefore house different data and are not similar.

(4) This invention offers the possibility to dynamically change the order of played track elements during play of track elements. This allows to dynamically change the track elements to be played following the currently playing track element. Williams invention does not offer this unique dynamic feature.

The novel physical features of amended claim 18 produce new and unexpected results and hence unobvious and patentable over this reference under § 103.

Also applicant submits that the novel physical features of amended claim 18 is also unobvious and hence patentable under § 103 since it produces new and unexpected results over Williams.

These new and unexpected results are the ability of applicant's system to segment a track into track segments by cutting track to short time frame durations, storing the track segments in a database and playing these track segments consecutively one after the other with no gaps or overlaps to create a track. These track elements can be chosen dynamically during play of track elements. Applicant's system therefore is vastly different to that of Williams and presents new and unexpected results. The novel features of applicant's system which erect these differences are, as stated, clearly recited in claim 18.

The Rejection Of Claim 19, On Williams Is Overcome

The last O.A. rejected dependent claim 19 on Williams. Claim 19, has been amended to define patentably over this reference. Applicant requests reconsideration of this rejection, as now applicable amended claims 19 for the following reasons:

(1) In the last OA paragraph [0063] in page 5 has been brought in reference to claim 19. Paragraph [63] is a continuation of paragraph [62], which clearly describes the process of mixing together a plurality of track files, emphasizing the word "ADD" (towards the end of paragraph [0062]) to indicate this. Paragraph [0063] then follows, describing the continuation of the process for creating the mix file. Claim 19 as has been amended does not deal with mixing any files but rather deals with a player that plays dynamically chosen track elements consecutively, during play of track elements.

(2) This invention offers the possibility to dynamically change the order of played track elements during play of track elements. This allows to dynamically change the track elements to be played following the currently playing track element. Williams invention does not offer this unique dynamic feature.

The novel physical features of amended claim 19 produce new and unexpected results and hence unobvious and patentable over this reference under § 103.

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Also applicant submits that the novel physical features of amended claim 19 is also unobvious and hence patentable under § 103 since it produces new and unexpected results over Williams.

These new and unexpected results are the ability of applicant's system to play track elements consecutively one after the other with no gaps or overlaps to create a track. These track elements can be chosen dynamically during play of track elements. Applicant's system therefore is vastly different to that of Williams and presents new and unexpected results. The novel features of applicant's system which erect these differences are, as stated, clearly recited in claim 19.

The Rejection Of Claim 20, 21, On Williams Is Overcome

In a similar manner, in regards to unchanged claims 20 and 21, paragraphs [0061] and [0072] discuss issues of simultaneous playing or mixing rather than sequential playing of track elements and to be viewed in context claim 18. In addition, see also reply to claims 20, 21 in amendment from Dec 18, 2005.

The Rejection Of Claim 29 On Williams Is Overcome

The last O.A. rejected independent claim 29 on Williams. Claim 29, has been amended to define patentably over this reference. Applicant requests reconsideration of this rejection, as now applicable amended claims 29 for the following reasons:

Similarly to claim 18, Williams invention does not contain track elements cut from an original track containing time portions of the original track to be played in a consecutive manner, but rather contains full length tracks to be mixed together. The purpose of the database of this invention is to represent an audio track in a form of segments to be played in a consecutive manner in an order dynamically chosen by the user during playing of track, having a default starting order to be played consecutively. This is very different to the purpose of the database of Williams holding full length tracks to be mixed together in their entirety. [page 2, paragraph [0035]

The novel physical features of amended claim 29 produce new and unexpected results and hence unobvious and patentable over this reference under § 103.

Also applicant submits that the novel physical features of amended claim 29 is also unobvious and hence patentable under § 103 since it produces new and unexpected results over Williams.

These new and unexpected results are the ability of applicant's method for representing an audio track in a new manner, having a default play order and a possibility to change order of playing segments during playing of audio segments. Applicant's database is therefore is vastly different to that of Williams and presents new and unexpected results. The novel features of applicant's system which erect these differences are, as stated, clearly recited in amended claim 29.

The Rejection Of Claim 32, 33 On Williams Is Overcome
In similar arguments to claim 29. In addition, see also reply to claims 29 in amendment from Dec 18, 2005.

The Rejection Of Claim 34, On Williams Is Overcome
The last O.A. rejected independent claim 34 on Williams. Claim 34, has been amended to define patentably over this reference. Applicant requests reconsideration of this rejection, as now applicable amended claims 34 for the following reasons:

(1) Williams invention deals with a mixer mixing or simultaneously playing a plurality of tracks into a single track data (see page 1, paragraph [0011 and [0012], and page 2, paragraph [0035]) while the present amended claim deals with coupling two track element-playing machines, each playing a single track element at a time. Williams invention does not include mixing of two playing independent machines but deals with a mixer mixing static full length tracks.
(2) Williams system does not allow to dynamically change the content of each of the playing tracks during play of the mixed tracks in real time. This invention as claimed in

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amended claim 34 allows the user to dynamically change the content of each of the playing tracks during the mix in real time.

The novel physical features of amended claim 34 produce new and unexpected results and hence unobvious and patentable over this reference under § 103.

Also applicant submits that the novel physical features of amended claim 34 is also unobvious and hence patentable under § 103 since it produces new and unexpected results over Williams.

These new and unexpected results are the ability of applicant's system to mix two independent segment-playing machines, allowing the user to change the segments being played in each of the tracks being mixed during the mix of the playing tracks in real time.

The Rejection Of Claim 35, 36, 37 On Williams Is Overcome

In similar arguments to claim 34. In addition, see also reply to claims 35, 36, 37 in amendment from Dec 18, 2005.

The Rejection Of Claim 23, On Barry Is Overcome

The last O.A. rejected independent claim 23 on Barry. Claim 23, has been amended to define patentably over this reference. Applicant requests reconsideration of this rejection, as now applicable amended claims 23 for the following reasons:

(1) Barry teaches the ability of playing segments according to present instructions and the ability to modify these instructions on a visual time axis. This however is done not in a dynamic manner, during the playing of the track but manually before the track is played. The present invention allows changing play order of segments dynamically during playing of the track to dynamically create the track in real time. (see page 3, paragraphs [0061], [0064] and[0058], page 5, paragraph [0083], and page 6, paragraph [0093]).

(2) Barry teaches the ability to play segments according to controls dynamically during play, however, these dynamically playing segments cannot be synchronized to be played on their own exactly one after the other. Barry's invention therefore allows to dynamically add musical flares to the currently playing music but does not allow the dynamic formation of a whole track to be made entirely during play and allow its entire formation in a dynamic manner. (see page 1, paragraph [0003], page 4, paragraph [0079] and page 5, paragraph [0080].

The novel physical features of amended claim 23 produce new and unexpected results and hence unobvious and patentable over this reference under § 103.

Also applicant submits that the novel physical features of amended claim 23 is also unobvious and hence patentable under § 103 since it produces new and unexpected results over Barry.

These new and unexpected results are the ability of applicant's system to allow changing play order of segments dynamically during playing of the track to dynamically create the track in real time. In addition to that, the present result allows the dynamic formation of a whole track to be made entirely during play and allow its entire formation in a dynamic manner.

The Rejection Of Claim 22, 30 and 31 On Williams In View Of Laroche Are Overcome

In similar arguments to claim 18 and 29. In addition, see also reply to claims 22, 30, 31 in amendment from Dec 18, 2005.

The Rejection Of Claim 24-26 On Barry In View Of Williams Are Overcome

In similar arguments to claim 23 and 18. In addition, see also reply to claims 24-26 in amendment from Dec 18, 2005.

The Rejection Of Claim 27 and 28 On Barry In View Of Laroche Are Overcome

In similar arguments to claim 23. In addition, see also reply to claims 27, 28 in amendment from Dec 18, 2005.

The Rejection Of Claim 28 and 39 On Barry In View Of Windle Are Overcome

In similar arguments to claim 23 and 34. In addition, see also reply to claims 28, 39 in amendment from Dec 18, 2005.

The Rejection Of Claim 40 On Williams In View Of Windle Are Overcome

In similar arguments to claim 34. In addition, see also reply to claim 40 in amendment from Dec 18, 2005.

Conclusion

For all of the above reasons, applicant submits that the specification and claims are now in proper form, and that the claims all define patentably over the prior art. Therefore applicant submits that this application is now in condition for allowance, which action applicant respectfully requests.

Conditional Request For Constructive Assistance

Applicant has amended the specification and claims of this application so that they are proper, definite and define novel structure which is also unobvious. If, for any reason this application is not believed to be in full condition for allowance, applicant respectfully requests the constructive assistance and suggestions of the Examiner pursuant to M.P.E.P § 2173.02 and § 707.07(j) in order that the undersigned can place this application in allowable condition as soon as possible and without the need for further proceedings.

Very respectfully,

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Date: 29th of September 2006

Inventor's Signature:

Xfaxed on 9-29-06
To 571-273-8300

Noam Camiel, Applicant

**Attachment: Appendix to Amendment Under Rule 116 With Claims Marked-Up to
Indicate Changes**

Appendix to Amendment Under Rule 116
With Claims Marked-Up to Indicate Changes

Commissioner for Patents

VA, Alexandria, 22313-1450

Pursuant to Rule 121, the following is a copy of all of the claims amended by the attached Amendment Under Rule 116, with all the changes indicated:

Claim 18, has been amended as follows:

18. (amended) A system comprising:

a track segmentor for segmenting a track by splitting said track into track elements cut from said track each of said track elements containing time portion of said track [according to time];

a track database comprising [at least one] a plurality of track elements generated by said track segmentor; and

a segment [mixer] player that sequentially plays a plurality of track elements one [single track] element at a time consecutively with no gaps and no overlaps to create a track from said [at least one] plurality of track elements during play of said [at least one] plurality track elements.

Claim 19, has been amended as follows:

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19. (amended) The system of claim 18 [wherein said segment plays consecutive track elements with no gaps and no overlaps] allowing to dynamically change order of played track elements during play of said plurality track elements.

Claim 23, has been amended as follows:

23. (amended) A method for consecutively playing track segments one immediately following the other during play comprising:

  playing track segment according to preset instructions;

  checking preset instructions for next track segment to play immediately following current playing track segment during play of said playing track segment;

  modifying preset instructions for a track segment during play of said playing track segment;

  changing track segment play order dynamically according to modified instructions during play of said playing track segment.

Claim 29, has been amended as follows:

29. (amended) A method for representing a track, comprising:

  a plurality of track segments each consisting of a segment split from said represented track each containing time portion of said represented track [according to time];

  a default order of said track segments to be played consecutively one immediately following the other;

  whereby said track segments form building blocks enabling the creation of a track by placing said track segments in various orders consecutively and said default order of said track segments forms a default track.

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Claim 34, has been amended as follows:

34. A system comprising:

a track database comprising data of a plurality of track segments;

a master segment [mixer] player to sequentially play a plurality of track segments one segment at a time to create a master track from said data during play allowing to dynamically change order of played track elements during play of said plurality track elements;

at least one slave segment [mixer] player each to sequentially play a plurality of track segments one segment at a time to create a slave track from said data during play allowing to dynamically change order of played track elements during play of said plurality track elements; and

a coupling means to combine said master track and said at least one slave track during play of said master track and said at least one slave track.

Claim 39, has been amended as follows:

39. (amended) The external device of Claim [37] 38, wherein said external device is Video equipment (VJ) whereby the video projected synchronizes with the music beat.

Claim 40, has been amended as follows:

40. (amended) The external device of Claim [37] 38, wherein said external device is Lighting equipment whereby the lighting effects synchronizes with the music beat.

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